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# Situation of human rights in the Democratic People's Republic of Korea*

## Note by the Secretary-General

The Secretary-General has the honour to transmit to the General Assembly the report of the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea, Tomás Ojea Quintana, submitted in accordance with General Assembly resolution 71/202.

* The present report has been submitted after the deadline in order to take into consideration recent political and security developments of particular importance for the human rights situation under review.

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# Report of the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea

*Summary*

In the present report, the mandate holder takes stock of the monitoring and advocacy activities that he conducted in his first year as Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea. The Special Rapporteur outlines political and security developments with direct implications for the country's human rights situation, as well as efforts by the authorities to engage with United Nations human rights mechanisms. In addition, the Special Rapporteur reviews recent trends that were brought to his attention, including through interviews with people who have recently left the Democratic People's Republic of Korea and other sources from civil society and the United Nations system. On the basis of that information, the Special Rapporteur outlines proposals to promote changes on the ground and reiterates the need for the Government to take immediate action to redress grave human rights violations.

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# I. Introduction

1. The present report outlines and analyses developments regarding the situation of human rights in the Democratic People's Republic of Korea since the previous report of the Special Rapporteur, submitted to the General Assembly, at its seventy-first session, in October 2016 (A/71/402).

2. The human rights situation in the Democratic People's Republic of Korea has been subject to close international scrutiny for several years. Although restrictions on access for independent human rights monitors have made it challenging to collect up-to-date information, patterns of serious violations continue to be documented by various external sources. Calls have been made to ensure accountability for crimes against humanity, including through referral to the International Criminal Court. In response, the Democratic People's Republic of Korea has maintained a generally defensive stance, accusing some countries of sponsoring a politically-driven campaign against its leadership. Nonetheless, the Democratic People's Republic of Korea has made more efforts to engage with United Nations human rights mechanisms than in the past.

3. The Special Rapporteur assumed his functions a little over a year ago, in a context that required identifying ways to achieve a balance between pursuing accountability for the violations that had been uncovered and promoting engagement with the country to redress the situation. Recent developments have shown that the two goals reinforce, rather than undermine, one another. The more the international community has insisted on the necessity of seeking justice and upholding universal human rights principles, the more the authorities have seemingly opened to a conversation with human rights mechanisms on ways to fulfil their obligations, at least in certain areas. The trend highlights the opportunity for the international community to improve the situation in the Democratic People's Republic of Korea through multiple channels. In particular, it shows that the process of reporting to human rights mechanisms can trigger substantive interactions with the authorities, with a focus on making progressive changes to laws, policies and decision-making processes.

4. In the present report, the Special Rapporteur outlines the activities he conducted in the past year with that objective in mind. Although the Democratic People's Republic of Korea continues to reject the country mandate, the mandate holder has been able to work with various actors to collect, document and evaluate information on the situation in the country. The Special Rapporteur has been committed to meeting the highest standards of independence, impartiality and accuracy in assessing the data. Some of the input for the present report has been provided through interviews with people who left the Democratic People's Republic of Korea in late 2016 and in 2017. Although the Government has accused its nationals abroad of giving false testimonies, the information received has been cross-checked with other independent sources, making it difficult to invalidate. The Special Rapporteur would have preferred to receive and analyse those testimonies in the Democratic People's Republic of Korea, including the views of the authorities. However, the Government rejected his requests to carry out a country visit.

# II. Overview of the political and security situation

5. A number of key developments have marked the period under review, the most striking of these being the launch of long-range missiles using ballistic technology. Between 1 January and 31 August 2017, the Democratic People's Republic of Korea fired 13 missiles, surpassing the total number of successful attempts that had been

carried out in the past three decades. A nuclear test was conducted on 9 September 2016, resulting in the adoption by the Security Council of resolution 2321 (2016), which condemned the country's pursuit of ballistic and nuclear weapons at the expense of its own people's welfare. In June 2017, the Security Council decided to strengthen its sanctions regime against the Democratic People's Republic of Korea. In its resolution 2356 (2017), the Security Council announced a travel ban and asset freeze with regard to certain officials; a number of trading firms in the extraction and financial industries were also blacklisted. On 5 August 2017, Security Council resolution 2371 (2017) was passed with the aim of reducing export revenues by a third. The updated sanctions extended export bans to sectors such as coal, iron, lead and seafood, and restricted joint ventures with entities or individuals in the Democratic People's Republic of Korea. On 3 September 2017, authorities of the Democratic People's Republic of Korea announced that they had tested a hydrogen bomb, prompting an emergency meeting of the Council and the prospect of further sanctions being imposed.[1]

6. The Special Rapporteur is concerned about the possibility that Security Council sanctions may have a detrimental impact on certain vital economic sectors for part of the population, and reiterates the need to give human rights concerns further consideration when drafting and revising sanction resolutions to ensure that they do not affect ordinary people's livelihoods. The Security Council sanctions regime is not punitive in nature, and a comprehensive assessment of its unintended negative impact on the enjoyment of human rights, in particular economic, social and cultural rights, is needed.[2] For instance, the Special Rapporteur was informed that Security Council sanctions may have prevented access for cancer patients to essential chemotherapeutic medicine. As pointed out by the Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights, international organizations applying economic sanctions are under the obligation "to take steps, individually and through international assistance (...) in order to respond to any disproportionate suffering experienced by vulnerable groups within the targeted country".[3] The Government of the Democratic People's Republic of Korea should seek every opportunity to engage in meaningful analysis of the economic and social impact of international sanctions, including through the provision of relevant and reliable statistical data.

7. As political and military tensions have escalated, a series of harsh declarations were made by the Democratic People's Republic of Korea and other Governments. Tensions peaked on several occasions, including in April 2017, when the United States of America deployed an aircraft carrier group to East Asia in response to the missile launches by the Democratic People's Republic of Korea. The Special Rapporteur issued an appeal to all countries concerned to reduce conflict rhetoric and incitement to armed confrontation,[4] and he remains deeply concerned about the statements and actions that continue to feed hostilities. The Special Rapporteur considers that this environment reduces opportunities to discuss the vital needs and protection concerns of ordinary citizens in the Democratic People's Republic of

[1] Although the present report covers the period ending 31 August 2017, this development may have serious short-term implications that require it be included in the overview.

[2] The 2014 Commission of Inquiry established that it "does not support sanctions imposed by the Security Council or introduced bilaterally that are targeted against the population or the economy as a whole". See A/HRC/25/63, para. 94 (a).

[3] The assessment refers to the Committee on Economic, Social and Cultural Rights, general comment No. 8 (1997) on the relationship between economic sanctions and respect for economic, social and cultural rights. See also the report by the Special Rapporteur, A/71/287.

[4] Office of the United Nations High Commissioner for Human Rights (OHCHR), "UN human rights expert urges halt to conflict rhetoric on Korean peninsula", 25 April 2017. Available from www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21526&LangID=E.

Korea. The international community has a particular responsibility to ensure the disputes do not escalate into armed conflict, to prevent an arms race in the region, and to create the necessary conditions for a dialogue to take place, including in the area of human rights.

8. In May 2017, Moon Jae-in was elected president of the Republic of Korea, following the impeachment of the former president, Park Geun-hye. President Moon played a key role in the "sunshine policy" of the early 2000s that sought to normalize relations between the two Koreas and encourage economic cooperation. Soon after taking office, President Moon announced an initiative to resume dialogue in the military and humanitarian fields. Whereas joint preventive activities to fight malaria resumed in May 2017, no bilateral military talks had been held as at the time of writing. However, in June 2017, the Moon administration suspended the deployment of the United States Terminal High Altitude Area Defence system pending an environmental impact assessment of the anti-missile system. In July 2017, President Moon outlined his plan to seek denuclearization and unification through peaceful means in a speech in Berlin. He also reaffirmed his country's commitment to working in close coordination with the United States and other regional and international allies to ensure peace and prosperity for all in the Korean Peninsula. The policy of President Moon maintains that any decision by the United States regarding the security situation in the Democratic People's Republic of Korea should be based on continued consultation with the Republic of Korea, which has helped mitigate the impact of hostilities that have built up in recent months.

9. The Special Rapporteur learned that the Democratic People's Republic of Korea welcomed the call for dialogue in President Moon's speech, emphasizing that its leader made a few such calls in the past to the Republic of Korea without success. The calls included two offers of dialogue made by the Supreme Leader of the Democratic People's Republic of Korea since 2015. The Government of the Democratic People's Republic of Korea reportedly criticized the choice of Berlin for President Moon's first speech abroad, because of the specific model of unification that it represents.[5] Furthermore, the continued pursuit of joint military exercises between the Republic of Korea and the United States is said to have undermined trust in the pledge made by President Moon, from the perspective of the Democratic People's Republic of Korea. Nonetheless, there are signs that the Democratic People's Republic of Korea is open to resuming peace talks in two separate tracks with the Republic of Korea and the United States. In addition, reopening the Kaesong industrial complex seems to be on the agenda of the two Koreas. The Special Rapporteur welcomes further rapprochement between the two countries and once more strongly encourages the Democratic People's Republic of Korea to use it as a platform to discuss human rights.

## III. Cooperation between the Government of the Democratic People's Republic of Korea and the United Nations human rights system

10. The role of international cooperation in realizing human rights has been recognized as a core component of the United Nations system since it was established, a principle enshrined in Article 1.3 of the Charter of the United Nations

[5] It is worth noting that the speech, which was delivered in the former "East Berlin", outlined a vision of unification in which the Republic of Korea "will not work towards any kind of unification through absorption, neither will we pursue an artificial unification". Bae Hyun-jung, "Full text of Moon's speech at the Korber Foundation", *The Korea Herald*, 7 July 2017. Available from www.koreaherald.com/view.php?ud=20170707000032.

and in the preamble of the Universal Declaration of Human Rights. The Special Rapporteur has attempted to broaden the scope of cooperation with the Democratic People's Republic of Korea as a State Member of the United Nations, bound by the Charter, and as a State party to several human rights treaties. His efforts have included reaching out not only to the national authorities, but also to other human rights mechanisms and to civil society organizations at the international and regional levels. The Special Rapporteur stresses that it is important to achieve all forms of international cooperation, in particular to challenge the misconception that cooperation implies interference in the domestic affairs of the Democratic People's Republic of Korea. The Special Rapporteur will continue to seek an incremental, multi-actor strategy aimed at achieving improvements in the situation on the ground. The approach will bring together different efforts without undermining the country mandate, which remains a key component of the human rights system.

## A. Mandate of the Special Rapporteur

11. The Democratic People's Republic of Korea continues to reject the mandate of the Special Rapporteur and did not approve two requests to carry out official country visits, in November 2016 and July 2017. The Special Rapporteur has also exchanged correspondence with the Permanent Mission of the Democratic People's Republic of Korea to the United Nations in Geneva, seeking follow-up on a proposal made by the country's diplomats in New York to facilitate a private visit of the mandate holder in his capacity as Professor of Law from Argentina.[6] The visit would have involved, the Special Rapporteur understands, taking part in academic events or providing a technical opinion on the human rights aspects of joint programmes with the United Nations. While the Special Rapporteur signalled his availability for further discussion, the Permanent Mission in Geneva declined taking the conversation forward as long as he remained the mandate holder. The Special Rapporteur continues to have informal contacts with officials of the Democratic People's Republic of Korea with the support of a wide network of regional and international civil society organizations, and urges the country to consider those avenues for dialogue as a starting point for formal cooperation with his mandate.

## B. Office of the United Nations High Commissioner for Human Rights field-based structure in Seoul

12. The Democratic People's Republic of Korea has declined to cooperate with the Office of the United Nations High Commissioner for Human Rights (OHCHR) field-based structure in Seoul, which has been actively monitoring the human rights situation in the Democratic People's Republic of Korea since June 2015.[7] The Office continues to collect information including through interviews with persons who have left the Democratic People's Republic of Korea. It has undertaken outreach and advocacy activities in the North-East Asia region and beyond, and continues to seek engagement and capacity-building with Governments, civil society and other stakeholders. The mandate of the Special Rapporteur is supported by OHCHR. In December 2016, OHCHR released a thematic report on the human rights dimension of the involuntary separation of Korean families, which proposes a victim-centred and rights-based approach to the resolution of that long-standing

[6] Press briefing by the Permanent Representative of the Democratic People's Republic of Korea in New York,15 November 2016, available from webtv.un.org/media/watch/kim-in-ryong-dprk-press-conference-15-november-2016/5211267770001.

[7] See Human Rights Council resolution 25/25.

issue.[8] The Special Rapporteur urges the Democratic People's Republic of Korea to implement those recommendations and to explore further thematic areas in which a dialogue with OHCHR could take place.

## C. Group of independent experts on accountability

13. The Democratic People's Republic of Korea refused to cooperate with the group of independent experts on accountability for human rights violations in the Democratic People's Republic of Korea established pursuant to Human Rights Council resolution 31/18. The group presented its recommendations in an addendum to the report of the Special Rapporteur to the Human Rights Council in February 2017.[9] The group stressed the importance of adopting a multi-pronged and comprehensive approach to address human rights violations in line with international norms and standards, including the need to seek accountability through the International Criminal Court or an ad hoc international tribunal. In addition, the group recommended undertaking coordinated and comprehensive consultations with victims and other relevant stakeholders to seek their views on accountability. The group also called on the Human Rights Council and the General Assembly to strengthen OHCHR through additional resources to enhance its current monitoring and documentation efforts in line with international norms and standards. This includes supporting an assessment of available information and evidence by international criminal justice experts to identify gaps and develop possible investigation and prosecution strategies, as well as blueprints of suitable international or internationally assisted court models. The Human Rights Council, in its resolution 34/24, decided to strengthen OHCHR, to allow for an enhancement of current monitoring and documentation efforts and establishing a central information and evidence repository with a view to developing possible strategies to be used in any future accountability process. The Special Rapporteur will closely attend to the implementation of the resolution.

## D. United Nations human rights mechanisms

14. Notwithstanding its rejection of the mandates mentioned above, the Democratic People's Republic of Korea has recently taken steps to engage with other United Nations human rights mechanisms. On 6 December 2016, the country ratified the Convention on the Rights of Persons with Disabilities, its fifth core international human rights treaty.[10] The Special Rapporteur welcomed the ratification, urging the authorities to use it as an opportunity to address other forms of discrimination to which certain groups in society may be subjected.[11]

15. From 3 to 8 May 2017, the Special Rapporteur on the rights of persons with disabilities carried out an official visit to the Democratic People's Republic of Korea at the invitation of the authorities. During the visit she was able to interact with a number of officials, including from the Ministry of Health and the Korean

[8] OHCHR, "Torn apart: the human rights dimension of the involuntary separation of Korean families" (Geneva, 2016).

[9] See A/HRC/34/66/Add.1.

[10] Other core international human rights treaties previously ratified are: the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child.

[11] OHCHR, "Use disability convention to boost human rights in North Korea-UN expert", 20 December 2016. Available from www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21051&LangID=E.

Federation for the Protection of the Disabled, and she visited some facilities in Pyongyang and Pongchon in South Hwanghae Province. She highlighted progress in some areas, such as the recognition of Korean sign language as an official language. However, she noted the prevalence of a medical model of disability that reinforces stigma against persons with disabilities in society. She also agreed to a Government request for technical assistance in the area of accessibility and international standards regarding universal design.[12] The Special Rapporteur on the rights of persons with disabilities is scheduled to report, to the Human Rights Council in March 2018 on the findings and recommendations of the visit.

16. The national report of the Democratic People's Republic of Korea to the Committee on the Elimination of Discrimination against Women is scheduled for review in November 2017. The list of issues that was drawn by the pre-sessional working group included questions to the authorities on specific measures taken to prohibit discrimination against women in the public and private spheres; the availability of a legal counsel and other essential elements of access to justice for women; the protection of women returnees from abroad; and the protection of victims of trafficking (see CEDAW/C/PRK/Q/2-4). The country's report to the Committee on the Rights of the Child will be reviewed in September 2017. The list of issues adopted by the pre-sessional working group included measures taken by the authorities to protect children from torture and establish appropriate sanctions against perpetrators; to ensure that children who leave the country without authorization are not subjected to punishment; and to make available recent disaggregated statistics regarding the number and situation of children in detention, including those held in political prison camps, as well as children suffering from malnutrition and those of non-Korean ethnic origin, among other groups (see CRC/C/PRK/Q/5). The Special Rapporteur encourages treaty bodies to further engage with the Democratic People's Republic of Korea and explore the possibility of carrying out a field visit to allow for a detailed needs assessment and the identification of capacity gaps.

17. The Democratic People's Republic of Korea should make the most of the opportunities that have been created with the ratification of the Convention on the Rights of Persons with Disabilities, the visit of the Special Rapporteur on the rights of persons with disabilities and the reviews by the Committee on the Elimination of Discrimination against Women and the Committee on the Rights of the Child. In particular, the Government should reach out to a wide range of available sources of expertise within the special procedures of the Human Rights Council and treaty bodies to discuss opportunities for technical assistance that will help it develop human rights-compliant legislation and related public policies. In addition, the country should release updated national statistics that can help set up capacity-building programmes with specific goals, time frames and performance indicators for monitoring and evaluation.

18. It is not clear whether the authorities have made any efforts to assess the state of implementation of the numerous recommendations that the Democratic People's Republic of Korea had accepted in the latest cycle of the universal periodic review in 2014.[13] The country had asserted that "a broad consultation was made among

[12] OHCHR, "End of mission statement by the United Nations Special Rapporteur on the rights of persons with disabilities, Ms. Catalina Devandas-Aguilar, on her visit to the DPRK", 8 May 2017. Available from www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21610&LangID=E.

[13] List of universal periodic review recommendations accepted by Democratic People's Republic of Korea, available from www.upr-info.org/sites/default/files/document/korea_dpr/session_19_-_april_2014/a_hrc_wg.6_19_prk_1_annex_e.pdf.

national institutions and organizations concerned".[14] More information is needed on the process whereby the consultation was conducted and whether there is a need for technical support from the United Nations. Previous measures, such as the enactment of the 2010 Law on the Protection and Promotion of the Rights of Women, have shown that the universal periodic review and other mechanisms can drive tangible changes in national human rights legislation. The strategic framework for cooperation between the United Nations and the Government of the Democratic People's Republic of Korea for the period 2017-2021 has integrated the relevant recommendations within the country team's strategic priorities and made provisions to monitor their status of implementation with the Government.[15] Moreover, a number of non-governmental organizations based outside the country are monitoring progress in implementing accepted universal periodic review recommendations.[16] The Special Rapporteur encourages those efforts and calls upon the authorities to take steps towards the implementation of the recommendations that they accepted, including, where applicable, through technical cooperation with relevant United Nations entities. Some of those actions, such as acceding to remaining international human rights instruments, ensuring that humanitarian aid is distributed transparently and taking steps to facilitate the travel of its citizens abroad, can be taken immediately as they require no additional financial resources. Other recommendations that the Government supported, such as to strengthen national institutions for the protection and promotion of human rights, open a space for dialogue and technical support from the international community. States Members of the United Nations have an important responsibility to ensure that those recommendations translate into concrete actions. The universal periodic review is among the few platforms currently available to conduct a wide-ranging and meaningful human rights analysis of country situations and to share best practices. Endorsing recommendations, however, means nothing without consistent implementation and Member States should continue to monitor progress beyond the review itself and offer their technical and financial support, as required.

19. The Special Rapporteur encourages the country team in the Democratic People's Republic of Korea to continue working with the authorities to assess the status of implementation of the recommendations from the universal periodic review. He recommends that cooperation in those areas be based on the guidelines of the 2013 Human Rights Up Front initiative, which has been endorsed by the Secretary-General, with a view to preventing serious human rights violations. This includes, among other requirements, increased access to groups that are most vulnerable to shortages in food distribution and in the provision of health care. For instance, follow-up on accepted recommendations in the area of health care should be carried out in close coordination with the World Health Organization, whose latest estimate was that 11,000 children and 271,000 adults in the Democratic People's Republic of Korea were affected by tuberculosis.[17] The World Food Programme has also found that 25.4 per cent of children in the nurseries they support continue to suffer from stunted growth.[18] These statistics contrast with the Government's pledge at the last universal periodic review to improve access to basic health care and nutrition for children. In addition, the situation of persons in detention should be considered a priority, given the absence of publicly available

[14] Ibid.

[15] Available from http://kp.one.un.org/content/dam/unct/dprk/docs/DPRK%20UN%20Strategic%20Framework%202017-2021%20-%20FINAL.pdf.

[16] Available from www.nkdb.org/en/news/notice_list.php?board=notice_en&act=view&no=109&page=1&search_mode=&search_word=&cid=&goUrl=/en/news/notice_list.php.

[17] Available from https://extranet.who.int/sree/Reports?op=Replet&name=/WHO_HQ_Reports/G2/PROD/EXT/TBCountryProfile&ISO2=KP&outtype=html.

[18] World Food Programme (WFP), "WFP DPR Korea country brief", March 2017.

official information on the penitentiary system and the lack of access for independent monitors. The country's vulnerability to natural disasters may place detainees at an ever greater risk. In the wake of Typhoon Lionrock in September 2016, the Special Rapporteur urged the authorities to ensure full access for humanitarian workers to prisons and other facilities hosting vulnerable populations in the north-eastern provinces. He recalls that the Government supported, without reservations, recommendation 61 of the universal periodic review, which urged it to "continue giving priority to vulnerable groups in the distribution of international assistance". The Special Rapporteur commends the commitment of United Nations staff working on the ground to improve the living conditions of all persons in the Democratic People's Republic of Korea. He also understands the challenges in reaching some of the target populations, and encourages the Government to take advantage of the presence of United Nations entities to ensure they are able to reach larger parts of the population. The Special Rapporteur stands ready to work in close collaboration with the country team and the Office of the Resident and Humanitarian Coordinator to address those challenges.

## IV. Field visits of the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea

20. The Special Rapporteur has conducted three official missions since his previous report to the General Assembly. The first mission involved visits to the Republic of Korea from 16 to 22 November 2016 and to Japan from 23 to 25 November 2016. The Special Rapporteur met with Government officials in the two countries, the OHCHR field-based structure in Seoul, non-governmental organizations, human rights defenders and diplomats. The Special Rapporteur also visited resettlement centres in the Republic of Korea for citizens of the Democratic People's Republic of Korea, including a facility for women. He conducted interviews with several residents of those facilities. He also interacted with families of persons in the Republic of Korea and Japan who were abducted by the Democratic People's Republic of Korea and whose fate and whereabouts remain unknown.[19]

21. From 31 May to 4 June 2017, the Special Rapporteur visited Cambodia to take part in a regional civil society dialogue on human rights in the context of humanitarian action and peacebuilding efforts. The discussion brought together a number of non-governmental organizations that are active in the areas of conflict prevention and humanitarian aid, including some that are operational in the Democratic People's Republic of Korea. The meeting focused on the outreach initiatives that have been taken by civil society to promote dialogue with the Democratic People's Republic of Korea, encourage people-to-people contact and provide technical assistance to improve access to food and other basic services. The Special Rapporteur welcomes those efforts and encourages humanitarian and religious organizations to continue building bridges with the authorities and to use those openings as entry points to improve the rights of beneficiaries from technical assistance projects. The Special Rapporteur also notes the scarcity of essential human rights documentation in the Democratic People's Republic of Korea in English and Korean, including on the structure of the United Nations system, the texts of international treaties, the Charter of the United Nations and even the Universal Declaration of Human Rights. The Special Rapporteur calls upon the

[19] OHCHR, "North Korea: UN Expert calls for a people-centred approach", 25 November 2016. Available from www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=20937&LangID=E.

United Nations human rights system and the country team to widely disseminate those documents as part of cooperation programmes with the Government. The dissemination of such documents could also provide an opportunity to enable wider access to electronic data storage systems for public officials, on a par with countries at a similar level of development.

22. From 17 to 21 July 2017, the Special Rapporteur visited the Republic of Korea. The mission included meetings with Government representatives, the National Assembly, the OHCHR field-based structure, the diplomatic community and civil society groups. During the visit, the Special Rapporteur met with people who left the Democratic People's Republic of Korea, including a man who wishes to return. The mission also included a visit to a resettlement centre for men who had recently arrived from the Democratic People's Republic of Korea. The Special Rapporteur welcomed President Moon's initiative to resume dialogue with the authorities in Pyongyang, and emphasized the need to place human rights high on the agenda of the bilateral talks. He also reiterated his deep concern about the situation in the Democratic People's Republic of Korea based on the testimonies and other information that he received.[20] The Special Rapporteur plans to visit the North-East Asia region again before the end of 2017.

# V. Recent developments in the situation of human rights in the Democratic People's Republic of Korea

23. During his field visits, the Special Rapporteur was able to collect a range of testimonies from men and women who left the Democratic People's Republic of Korea in late 2016 and early 2017. He was informed that, in the first six months of 2017, 650 nationals of the Democratic People's Republic of Korea arrived in the Republic of Korea, 84 per cent of whom were women.[21] The figure represents a decrease of 18 per cent from the same period in 2016, reflecting a possible tightening of border controls. Most witnesses to whom the Special Rapporteur spoke are from the northern provinces of North Hamgyong and Ryanggang, and some lived in Pyongyang. While the interviews did not allow for a comprehensive assessment of the situation throughout the country, especially in the interior provinces, they helped to put together, along with other sources, a picture of recent developments in five main areas: detention conditions; the involuntary separation of families; the right to food; the impact of corruption on human rights; and freedom of information.

## A. Situation of persons in detention

24. The Special Rapporteur received testimonies pointing to widespread fear among the population of political prison camps. The apprehension is so fierce that people assume anyone who disappears must be detained in one of the camps that are said to be currently operational (camps Nos. 14, 15, 16 and 25). As a man who left in 2017 stated, "all North Koreans grow up knowing about the existence of political prison camps. We know that when someone disappears they must have been sent to one of them. A friend of mine was taken in 2014 for using a satellite phone from China, and I never saw him again". There is insufficient information on the situation of detainees in those prisons, but the 2014 report of the Commission of Inquiry on

[20] OHCHR, "UN Special Rapporteur urges Seoul and Pyongyang to discuss human rights", 27 July 2017. Available from: www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21913&LangID=E.

[21] Figures provided by the authorities of the Republic of Korea.

human rights in the Democratic People's Republic of Korea situated their number between 80,000 and 120,000 (see A/HRC/25/63). The Government has stated in the past that "political prison camps did not exist and were a complete fabrication", adding that "those persons sentenced to the penalty of reform through labour under the country's Criminal Law [serve] their terms in reform institutions" (see A/HRC/27/10, para. 60). The Special Rapporteur emphasizes the need for the authorities to provide precise statistics on all detainees and conditions of detention, in line with the provisions of the human rights treaties that the country has ratified. The Government's denial of the existence of political prison camps does not preclude the need to disclose information about, and provide access to, the "reform institutions" under its watch.

25. Deplorable conditions of detention are reported in the holding centres near the border with China. A man who was sent back from China in 2016 told the Special Rapporteur that "everyone is treated like trash and beaten frequently at the holding centres. The guards told us we are nothing but human trash". A forcibly repatriated woman described to the Special Rapporteur her ordeal when she was detained for one month along with her daughters at a holding centre in Chongjin in November 2012. She said: "Our hands and feet were so frozen that we were not able to sleep. There was very poor hygiene, and corn was the only food provided to us. They gave my youngest daughter a soup of salt water and a spoon she could not even use". The victim, who tried to escape the country several times, said that the situation had not improved by the time she successfully left in March 2017, and that women remain the target of violent practices by prison officials. Her account corroborates information brought to the attention of the Special Rapporteur by external sources on the treatment of women returnees, who are said to be often held in unsanitary conditions and beaten during interrogation and detention.[22] Sexual and gender-based violence, including invasive searches and sexual assaults, are reported to be common in holding centres. The information also shows that women who were forcibly repatriated from China in recent years believed that any woman who was found to be pregnant would have her pregnancy terminated by force, although the shame and secrecy attached to the practice make precise statistics on cases of forced abortion difficult to collect. The practice does not just breach the international human rights treaties that the Democratic People's Republic of Korea has ratified, but also the country's 2012 Criminal Procedure Law, which prohibits torture (art. 166). The Special Rapporteur is alarmed by those reports and calls upon the authorities to uphold national and international safeguards against the ill treatment of persons in detention, in particular women and children.

26. The Special Rapporteur has received unconfirmed reports indicating that the authorities may have taken some measures to improve detention conditions. For example, the Office of the Prosecutor has reportedly been instructed to inspect some facilities in the past, and some pregnant women in the final stages of pregnancy were reportedly released. Two directives by the Ministry of People's Security may also have been issued in 2010 and 2015 to address the issue of human rights violations in detention. The 2010 directive is said to have urged officials to refrain from violating the rights of detainees during interrogation and allowed citizens to file a complaint. The 2015 directive reportedly addresses the responsibility of prison officials regarding deaths in custody. Those reports, if confirmed, would be an encouraging step forward. The Special Rapporteur urges the Government to share

[22] In this respect, it is worth noting recent calls by Human Rights Watch to protect returnees from China, whom the organization found to "regularly endure torture while being interrogated about their activities abroad". See Human Rights Watch, "South Korea: seek help from North Korean refugees in China", 29 June 2017. Available from www.hrw.org/news/2017/06/29/south-korea-seek-help-north-korean-refugees-china.

the text of those directives, if they exist, as well as any laws and regulations that protect detainees. Further engagement with organizations such as the International Committee of the Red Cross may also help the Government to develop a consistent policy relating to the supervision of regular reporting on detention conditions.

27. The death, on 19 June 2017, of Otto Warmbier, a citizen of the United States who had been given a 15-year prison sentence after he was accused of planning hostile acts against the State, raised questions about detention conditions for foreigners. Mr. Warmbier was arrested in January 2016 and denied basic entitlements, such as access to consular officers and representation by an independent legal counsel. The authorities reportedly said that Mr. Warmbier had developed a case of botulism and had fallen into a coma in March 2016 after prison officials gave him a sleeping pill; he was released from prison, comatose, 15 months later. Doctors in the United States affirmed that Mr. Warmbier had suffered extensive loss of brain tissue and found no evidence to support the claims of the authorities of the Democratic People's Republic of Korea.[23] The Special Rapporteur issued a statement shortly after the release, pointing out the lack of access to adequate medical treatment for prisoners in the Democratic People's Republic of Korea and calling on the Government to clarify the circumstances that led Mr. Warmbier to fall into a coma.[24]

28. On 9 August, Hyeon Soo Lim, a Canadian national, was released from detention by the Democratic People's Republic of Korea, on humanitarian grounds. Mr. Lim had been detained since February 2015 on charges of plotting hostile acts against the State. Although the Special Rapporteur welcomed his release,[25] he remains concerned about the situation of several foreign nationals who are still held in detention in Pyongyang, including six citizens of the Republic of Korea and three citizens of the United States. As a State Party to the Vienna Convention on Consular Relations, the Democratic People's Republic of Korea has the obligation to provide foreign prisoners with essential protections. For example, article 36 of the Vienna Convention confers to foreign detainees in the receiving State the freedom to communicate with and access to consular officers, as well as to arrange for legal representation with their assistance. The lack of opportunities for direct communication with the Democratic People's Republic of Korea regarding those cases has made it difficult for the Special Rapporteur to verify the extent to which the Government has complied with those obligations.

## B. Abductions and separated families

29. During his missions, the Special Rapporteur met with the families of nationals of Japan and the Republic of Korea who were abducted by the Democratic People's Republic of Korea. Political tensions have made it difficult to achieve progress in that area and, to date, 12 citizens of Japan and 516 citizens of the Republic of Korea remain unaccounted for. The Democratic People's Republic of Korea had agreed with Japan, in May 2014 in Stockholm, that it would establish a special investigation committee to determine the whereabouts of Japanese abductees and of

[23] Jason Hanna, Joshua Berlinger and Emanuella Grinberg, "Doctors: ex-North Korea detainee Otto Warmbier has severe brain injury", CNN, 16 June 2017. Available from edition.cnn.com/2017/06/15/politics/otto-warmbier-north-korea/index.html.

[24] OHCHR, "US student case is reminder of prison conditions in North Korea — UN rights expert", 16 June 2017. Available from www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21761&LangID=E.

[25] OHCHR, "UN rights expert welcomes release of Canadian pastor in North Korea", 11 August 2017. Available from www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21960&LangID=E.

persons of Japanese descent in the Democratic People's Republic of Korea. The investigation was interrupted in retaliation against Japan's unilateral measures to sanction the Democratic People's Republic of Korea for the resumption of nuclear tests at the beginning of 2016. In the case of the Republic of Korea, the absence of talks regarding family reunions and the lack of other formal communication channels between the two countries has not allowed for a discussion of abduction cases or their inclusion in the lists of people eligible for reunion, as was the case in the past.

30. Since the end of the Korean War, 129,616 nationals of the Republic of Korea have registered for reunion with their families in the Democratic People's Republic of Korea. A total of 2,325 families have been able to meet their relatives at least once since the Inter-Korean summit, held in June 2000. However, more than half of the applicants for reunions have died without being able to restore contact with their family and the majority of survivors are now over the age of 80.[26] Family reunion events were interrupted as political and military tensions increased in early 2016, which prevented the two countries from agreeing on a timeline for reunions.[27] In a public statement, the Special Rapporteur called on the authorities of the two Koreas to consider the unification of separated families as an entitlement for all survivors and to ensure that reunions go ahead without conditions in order to alleviate the suffering of elderly relatives.[28]

31. The separation of Korean families continues to take new forms and affect new categories of victims. The most recent form of involuntary separation has been caused by a wave of forced repatriations of citizens of the Democratic People's Republic of Korea from China, many of whom have family members in China and the Republic of Korea. The Special Rapporteur received numerous accounts of forced repatriation, including several cases of children under 16 years of age, between December 2016 and July 2017. Civil society organizations have estimated that as at July 2017, up to 200 citizens of the Democratic People's Republic of Korea may have been detained in prisons across China and scheduled for repatriation. Chinese authorities consider nationals of the Democratic People's Republic of Korea who transit through their territory as economic migrants who do not require special protection, except when there are grounds to believe that they are victims of networks trafficking in persons. The Special Rapporteur wishes to pursue the conversation with China further to ensure that those individuals, who risk being tortured and ill-treated if forcibly repatriated, can benefit from the protections to which they are entitled under international human rights law as well as under China's domestic laws.[29] Protection should be guaranteed regardless of the reasons for which people leave the Democratic People's Republic of Korea. The Special Rapporteur urges China to address the challenge on a case-by-case basis, and ensure, in particular, that the principle of non-refoulement applies to all detainees from the Democratic People's Republic of Korea, which is also in line with the recommendations to China and other stakeholders of the 2014 report by the Commission of Inquiry.

[26] OHCHR, "Torn apart".

[27] The recent election of Park Kyung-seo as President of the Republic of Korea National Red Cross is a positive development. He has conducted many humanitarian missions in the Democratic People's Republic of Korea and remains a strong advocate for inter-Korean dialogue.

[28] OHCHR, "UN expert backs moves to restart family reunions within two months", 13 June 2017. Available from www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21732&LangID=E.

[29] *The 2014 report by the Commission of Inquiry and subsequent* United Nations monitoring established that returnees to the Democratic People's Republic of Korea are systematically subjected to torture and ill-treatment, regardless of the reason for which they leave the country.

32. Among the other forms of family separation that were brought to the attention of the Special Rapporteur, during his last visit to the Republic of Korea, is the case of 12 women from the Democratic People's Republic of Korea. In April 2016, the women arrived in the Republic of Korea from China, where they had been working in a restaurant, along with their male manager. The Democratic People's Republic of Korea accused the Republic of Korea of abducting the group, and it conditioned the resumption of family reunions on their return. In July 2017, the Government of the Democratic People's Republic of Korea reacted in writing to a public statement by the Special Rapporteur urging the resumptions of family reunions,[30] in which it recalled the situation of those women and insisted it considers them as forcibly disappeared. The Special Rapporteur has learned that the women are not held in detention and he continues to monitor their situation. He received conflicting accounts about the circumstances of their departure from China, with some indicating that some members may not have fully consented to a mass escape. The case requires further consideration by the Governments concerned and the welfare of those women and their families should be treated as the priority. The Special Rapporteur will continue to work with the authorities in the two Koreas to ensure that the short and longer-term protection needs of those women and their families, as well as the possibility of restoring contact, are duly considered.

33. During his last visit to the Republic of Korea, the Special Rapporteur met a man who wishes to return to the Democratic People's Republic of Korea, where his wife and son currently live. The man escaped in 2014 and, despite being aware of the risk of being punished for travelling abroad without authorization, is willing to go back to his home country to recover his lost family ties. The Special Rapporteur was also made aware of the case of a woman who wishes to return. As is the case for all citizens of the Republic of Korea, the National Security Act prevents individuals who seek to return from establishing formal contact with the Democratic People's Republic of Korea without approval by the authorities or expressing affinity with the country.[31] The Special Rapporteur recalls that restrictions on the right to freedom of movement must comply with international law and be based on imperative reasons of national security. He calls upon the Republic of Korea to consider cases of persons who wish to return to the Democratic People's Republic of Korea on their individual merit, placing the person's well-being and right to family life above other considerations.

## C. Right to food

34. The Democratic People's Republic of Korea remains especially vulnerable to food insecurity. The Food and Agriculture Organization of the United Nations maintains the country on a list of 37 States that require external assistance owing to a chronic shortage in food supply.[32] The International Food Policy Research Institute has categorized the Democratic People's Republic of Korea among States with consistently serious hunger levels, with 41.6 per cent of the population undernourished (2014-2016 reference years) and 17.9 per cent of children who are stunted (2011-2015 reference years).[33] In March 2017, the United Nations country

[30] OHCHR, "UN expert backs move to restart Korea family reunions within two months".

[31] In its concluding observations on the fourth periodic report of the Republic of Korea (2 December 2015) the Human Rights Committee observed that article 7 of the law disproportionately interferes with freedom of opinion and expression. See CCPR/C/KOR/CO/4.

[32] Food and Agriculture Organization of the United Nations (FAO), Global Information and Early Warning System, Countries requiring external assistance for food database, December 2016. Available from www.fao.org/giews/country-analysis/external-assistance/en/.

[33] International Food Policy Research Institute, Global Hunger Index database, available from www.ifpri.org/topic/global-hunger-index.

team found that chronic food insecurity is tied to a range of unmet humanitarian needs. For example, the majority of children under 2 years of age and half of pregnant and breastfeeding women have insufficient dietary diversity. Moreover, 3.5 million people do not have access to safe water, sanitation and hygiene, including in schools and health facilities.[34]

35. The Provinces of North and South Pyongnam and North and South Hwangbuk have been affected by decreased rainfall in the first half of 2017, which may lead to a decrease of 30 to 50 per cent in the yields of some crops. At the end of June, United Nations agencies inspected water reservoirs in South Hwangbuk Province that were reportedly significantly below capacity.[35] The rainfall in July 2017 provided some relief but was too late for the planting season crops to be harvested in autumn, and cereal import requirements are likely to increase in 2017/2018.[36] The drought reportedly resulted in a decrease in government rations, on which 70 per cent of the population currently rely, from 400 g of food per person per day to 300 g, well below the target of 573 g.[37]

36. Chronic deficiencies in the Public Distribution System, a legacy of the 1990s famine, have aggravated food insecurity and pushed the population to adopt new coping mechanisms, using the large and growing informal sector. The situation seems to be especially difficult in the northern provinces that have been affected by cycles of severe drought and flooding in the past few years. A woman from North Hamgyong Province told the Special Rapporteur that "the Public Distribution System is not working and the rationing is not equitable. It has become the duty of everyone to make a living, so some people cultivate food in the mountain and others take more risks by doing business with China". Recent reports regarding the Public Distribution System depict a policy of discriminatory and unequal access to food, with many people either left out of the system or given irregular rations.[38]

37. The Special Rapporteur was informed that, by the end of 2016, the United Nations system had collected $115 million in humanitarian aid for the Democratic People's Republic of Korea, out of a fundraising appeal for $142 million.[39] Reduced interest from donors, as well as unfavourable political circumstances, made it difficult to achieve the target figure. International sanctions are also said to have greatly complicated logistical arrangements to carry out direct financial transfers. The Special Rapporteur appeals to the donor community to maintain its commitment to assist the Democratic People's Republic of Korea, and calls upon the United Nations system to ensure that the sanctions regime does not obstruct the timely delivery of international aid.

[34] Office for the Coordination of Humanitarian Affairs, "DPR Korea needs and priorities", March 2017. Available from reliefweb.int/sites/reliefweb.int/files/resources/DPRK%20Needs%20and%20Priorities%202017.pdf.

[35] Office for the Coordination of Humanitarian Affairs, "Asia and the Pacific: weekly regional humanitarian snapshot (27 June-3 July 2017)", available from http://reliefweb.int/report/philippines/asia-and-pacific-weekly-regional-humanitarian-snapshot-27-june-3-july-2017.

[36] FAO, "Global Information and Early Warning System on Food and Agriculture special alert No. 340. The Democratic People's Republic of Korea", 20 July 2017. Available from reliefweb.int/report/democratic-peoples-republic-korea/faogiews-special-alert-no-340-democratic-people-s-republic.

[37] Office for the Coordination of Humanitarian Affairs, "Asia and the Pacific: weekly regional humanitarian snapshot (18-24 July 2017)", available from reliefweb.int/report/bangladesh/asia-and-pacific-weekly-regional-humanitarian-snapshot-18-24-july-2017.

[38] Korea Institute for National Unification, *White Paper on Human Rights in North Korea 2016* (Seoul, 2016), pp. 261-270.

[39] Briefing by United Nations agencies that have operations in the Democratic People's Republic of Korea, Geneva, 15 March 2017.

38. As the Supreme Leader of the Democratic People's Republic of Korea announced a five-year strategy for economic development in his 2017 New Year address, the Special Rapporteur urges the authorities to duly integrate shortcomings in the Public Distribution System in that strategy, and, in particular, to ensure that food security is considered a priority. Economic planning should carefully balance out subsistence needs with defence and security expenditures, and a specific plan to address chronic malnutrition should be in place to allow the country to fully utilize its human capital. The development strategy should specifically include policies aimed at addressing inequalities in access to food and at assisting vulnerable groups. The Special Rapporteur will support offers of technical assistance that may help the country rework its strategic priorities for economic development.

## D. Impact of corruption on human rights

39. A consistent feature in all the testimonies received by the Special Rapporteur is the role of bribes in securing access to public services, seeking employment, travelling or avoiding punishment when one is arrested. Corruption is portrayed as endemic and pervasive, with officials at the central and provincial levels frequently asking people to pay in cash or in kind in order to be allowed to access basic services. There appears to be a correlation between corruption and social exclusion, a connection that could be seen, for instance, in the testimony of a woman who described her experience of the public health system to the Special Rapporteur as follows: "free medical treatment does not exist in practice. People pay doctors with cigarettes, money, or whatever they can give. I was asked to pay to even get a simple injection or a pill". For another man, who was forcibly repatriated from China in 2016, bribing officials in the Democratic People's Republic of Korea was a way of negotiating the terms of his own punishment. He said: "I was detained at a holding centre then transferred to a district level security office, where I was informed that I would be sent to a political prison camp for planning to go to South Korea. So I bribed the prosecutor and the Ministry of State Security officer to be sent to a labour camp instead. I gave them 3000 yuan that I had earned in China". The man left the country again as soon as he was released from detention: "I paid border guards to seek freedom", he added.

40. The rapid growth of the informal sector has reportedly contributed to increased corruption levels, although it has also given more individuals opportunities to enhance their material comfort and adopt a lifestyle of their choosing. Those freedoms are protected under article 6 of the International Covenant on Economic, Social and Cultural Rights, to which the Democratic People's Republic of Korea is a State party. According to a former Pyongyang resident, who spoke with the Special Rapporteur, "all you need to do is pay $100 to a district official every time you need clearance for something: running your own business, living in a particular area, staying in a house". The man managed a company that allowed him to remain part of what he calls "the middle class". His business was profitable enough to allow him to pay Government officials to rent a house, drive a car and travel to other parts of the country. Increased marketization may have opened up more opportunities for people to improve their living standards, but it has also further entrenched corruption and increased inequality.

41. The observation that a civil, political, social or economic right can be "bought" through bribes raises the question of the role that corruption has come to play in society in the Democratic People's Republic of Korea. In particular, the increase in corruption is symptomatic of poorly structured economic, political and social institutions. As the Supreme Leader's five-year strategy for economic development is under way, the Special Rapporteur urges the authorities to recognize

the scope of the challenge while at the same time taking advantage of the rapid growth of the informal sector to consider alternative ways to enable access to public services. The reform may come in the shape of an organized and fair taxation system, the development of commercial laws that reflect the reality of trading activities, or the relaxation of restrictions on freedom of movement.

## E. Freedom of information

42. The Democratic People's Republic of Korea maintains a strict system of surveillance on all forms of communication, both within the country and with the outside world. According to non-governmental sources, a network of neighbourhood watches called *inminban* is tasked by the Government to monitor people's radio and television watching habits and report them to the Ministry of State Security.[40] The Special Rapporteur was informed of a recent crackdown on audiovisual materials with foreign content. A former resident of North Hamgyong Province said that Government and local structures of the Workers' Party of Korea tightened their monitoring of the population's access to foreign media in the past few years, especially radio stations. A man from Pyongyang said that he had watched films and television shows from the Republic of Korea with his friends since 2007. He received the material through traders who regularly travel to China. In January 2017, the man was caught during a police raid on his home, and the prospect of receiving a severe punishment, possibly the death penalty, led him to bribe security officers to allow him to escape the country within a few hours.

43. The Special Rapporteur met several people from the Democratic People's Republic of Korea who were computer literate, a skill that seemed to be at odds with a Government policy that prevents them from accessing the Internet. Many people to whom the Special Rapporteur spoke, including those who come from impoverished areas, said that they owned a smartphone when they lived in the country. Whereas some of the phones were acquired in the Democratic People's Republic of Korea at a relatively high price and through a formal registration process with the Government, the majority were manufactured and smuggled in from China. Brokers in border areas reportedly take high commissions to help people make telephone calls abroad, including with relatives in China and the Republic of Korea. Telephone calls are made in mountain areas where people can circumvent Government surveillance and use Chinese mobile networks. As pointed out by OHCHR, those communications are vital for many as they allow them to receive remittances from relatives abroad, but they also place an unfair financial burden on many people and expose them to the risk of receiving harsh prison sentences if they are caught by the authorities.[41]

# VI. Conclusions

44. The situation of human rights in the Democratic People's Republic of Korea is complex and changing in some respects. Patterns of grave violations continue to be observed, despite limitations on access to independent human rights monitors. The situation of detainees is of particular concern, as is the condition of citizens abroad who are forcibly repatriated. No progress has been made in investigations to determine the whereabouts of foreign abductees, and political considerations continue to hamper the organization of reunions for families who have been

[40] This system is discussed in detail in Amnesty International, "Connection denied" (London, 2016), p. 42.

[41] OHCHR, "Torn apart".

separated since the Korean War. The rapid development of the informal economy has compensated for some of the structural deficiencies of the Public Distribution System and created loopholes for some people, enabling them to travel or set up a business, but that has come at the cost of rampant corruption. More sections of society seem to have access to information than in the past, despite severe restrictions by the Government on communications within the country and with the outside world. The Democratic People's Republic of Korea has taken recent steps to reach out to United Nations human rights mechanisms and start a discussion on ways to promote and realize certain rights. Other initiatives are also taking place with the support of international non-governmental organizations that are active inside the country. The mixed picture invites an assessment that takes into consideration the possibility to achieve immediate, concrete changes on the ground, using the openings that have been created through those interactions.

45. The rise in military tensions in the Korean Peninsula over the past year has been a serious impediment to dialogue on human rights. The international community should support current efforts to promote engagement with the Democratic People's Republic of Korea and reduce hostilities. Action should also be taken at the regional and international levels to help integrate human rights concerns in the inter-Korean dialogue for the benefit of all people on the Peninsula, not least the thousands of families split across the 1953 armistice line, who long to regain contact. At the same time, the Democratic People's Republic of Korea should give the utmost priority to the subsistence and development needs of its population, which remain largely unfulfilled. The pursuit of conflict prevention and trust-building efforts is critical to help operate the necessary shift in the country's priorities.

46. The call for accountability remains an essential component of advocacy for the protection of people in the Democratic People's Republic of Korea, and the options to hold officials to account are multiple. As discussions on the prospect for international criminal prosecution continue, the Government, through its recent interactions with United Nations human rights bodies, has an opportunity to ensure immediate redress and remedy for certain violations of a grave nature, including human trafficking, torture and ill-treatment in detention, and sexual and gender-based violence. There could also be an opening for a conversation on human rights obligations through the policy of rapprochement that the Republic of Korea is pursuing, or if the Supreme Leader's pledge to tackle corruption and improve governance is to take effect. The Democratic People's Republic of Korea should fully embrace those possibilities, which will serve to ensure freedom and dignity for its people and keep the Government within the sphere of international cooperation. Members of the international community should also support the country through the provision of adequate resources and technical expertise, in line with the principles of the Charter of the United Nations, and press for effective changes in current policies.

## VII. Recommendations

47. **The Special Rapporteur recommends that the Democratic People's Republic of Korea:**

(a) **Refrain from using any form of punishment or retaliation against people who are forcibly repatriated;**

(b) **Investigate and hold accountable prison officials, including in the detention centres near the border with China, who use violence against children, men and women returnees from abroad;**

**(c) Initiate discussions concerning access to detention facilities by the International Committee of the Red Cross, relevant entities of the United Nations country team, the Office of the United Nations High Commissioner for Human Rights, international human rights mechanisms and relevant civil society organizations;**

**(d) Abolish restrictions on access to information and communication, both inside the country and with the outside world;**

**(e) Resume family reunions with the Republic of Korea, and ensure that a fair and transparent system is in place to help relatives in the Democratic People's Republic of Korea sign up for those events;**

**(f) Resume investigations regarding the abduction of Japanese nationals and include cases of abductions from the Republic of Korea on the agenda of future bilateral talks;**

**(g) Investigate and hold accountable, in accordance with human rights standards, public officials at the central and provincial levels who accept bribes as the only way to provide people with access to essential public services;**

**(h) Establish fair criteria for access to food rations and prioritize those in the most vulnerable conditions, including persons in detention;**

**(i) Continue to cooperate with the Special Rapporteur on the rights of persons with disabilities and reach out to other special procedures of the Human Rights Council to identify possibilities for technical assistance;**

**(j) Continue to cooperate with treaty bodies, including through regular reporting on the state of implementation of their recommendations;**

**(k) Use the mandate of the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea as a reference point for all cooperation with the United Nations human rights system;**

**(l) Invite the country mandate holder to carry out a country visit in the near future.**

**48. The Special Rapporteur recommends that the Republic of Korea:**

**(a) Continue to pursue engagement efforts with the Democratic People's Republic of Korea by placing the country's human rights obligations high on the dialogue agenda;**

**(b) Use future openings for cooperation in the economic and humanitarian areas to promote transparency, accountability and non-discrimination in the delivery of public services in the Democratic People's Republic of Korea;**

**(c) Take steps to facilitate the reunions of separated families using an approach that fully accounts for the rights and protection needs of all persons concerned, also in line with the recommendations of OHCHR.**

**49. The Special Rapporteur recommends that the United Nations:**

**(a) Conduct a full assessment of the impact of the Security Council sanctions regime on human rights in the Democratic People's Republic of Korea, with a focus on the extent to which the sanctions may put livelihoods at risk;**

**(b) Support confidence-building and peacebuilding initiatives with the Democratic People's Republic of Korea, including by Member States and non-governmental organizations, in order to reduce the country's isolation from the international community;**

**(c) Establish technical assistance programmes with the Democratic People's Republic of Korea, with clear guidelines for monitoring and evaluation and a specific focus on the situation of vulnerable groups;**

**(d) Set up capacity-building programmes in the Democratic People's Republic of Korea with a view to implementing accepted recommendations from the universal periodic review, from the treaty bodies and other recommendations, including from OHCHR, where relevant;**

**(e) Promote accountability for human rights violations through practical measures to press for an immediate change in public policies in the Democratic People's Republic of Korea;**

**(f) Seek an expansion of humanitarian assistance to the most vulnerable groups, including persons in detention.**

50. **The Special Rapporteur recommends that civil society organizations:**

**(a) Monitor the situation of human rights in the Democratic People's Republic of Korea using the recommendations of the Human Rights Council and treaty bodies as a baseline;**

**(b) Encourage opportunities for a dialogue on human rights with the Democratic People's Republic of Korea that also includes its neighbours and developing countries in Asia;**

**(c) For those humanitarian organizations that are operational in the Democratic People's Republic of Korea, continue to build bridges with the authorities, while also identifying and reaching out to the most vulnerable groups among the beneficiaries from technical assistance projects;**

**(d) Continue engaging with donors and encourage them to support capacity-building initiatives at the intersection of humanitarian assistance, conflict prevention and human rights monitoring.**